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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,222	02/13/2002	Travis J. Parry	10011315-1	8729

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EXAMINER

MCCLELLAN, JAMES S

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/075,222	PARRY, TRAVIS J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James S McClellan	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 21 March 2005.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Response to Office Action*

1. Applicant's submittal of a response to an office action dated 3/21/05, wherein: claims 1-13 are pending. Applicant's submission included an Affidavit Under Rule 1.131.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-7, and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,216,113 (Aikens) in view of U.S. Patent No. 6,311,165 (Coutts).

Regarding **claim 1**, Aikens discloses a system for remotely providing cost accounting with respect to the usage of a machine (printer, fax or other device, see column 2, lines 64-65), said system comprising: memory means for providing an accounting database (17 and 18A; see column 2, lines 28-34); controller means for processing information stored by and retrieved from said database (14, see column 26-27); network means (24; see column 2, lines 44-46) for coupling said machine to said database (17) via said controller (14); interface means (40; see paragraph bridging columns 2-3) coupled to said database (17) via said network (24) for effecting communication therewith, said interface means (40) including a web server (14) for transmitting and receiving said information to and from said database (17); [claim 3] said

machine is a printing machine (11, see column 2, lines 64-65); [claim 4] means disposed at said machine for transmitting information to said database (17) via said controller relating to usage of said machine in connection with a predetermined job (see column 4, lines 43-53); [claim 5] including an authentication database (see column 2, lines 40-42) operationally coupled to said controller (14); [claim 6] said user interface (40) is housed within said machine (see paragraph bridging columns 2-3); and [claim 7] said user interface (40) is physically separate from said machine (see paragraph bridging columns 2-3).

Regarding **claim 11**, Aiken discloses a system for remotely providing cost accounting with respect to the usage of a copy, print, or facsimile machine as set forth above in detail for claim 1.

Regarding **claim 12**, Aiken discloses a method for remotely providing cost accounting with respect to the usage of a machine as set forth above in detail for claim 1.

Regarding **claims 1, 11, and 12**, Aiken fails to explicitly disclose the use of an embedded web server for use over the Internet or an intranet.

Coutts teaches the use of a device that communicates over a network (intranet or Internet; see column 24, lines 32-35) via an embedded web server (see column 25, lines 14-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aiken with an embedded web server as taught by Coutts, because the use of an embedded web server as opposed to a remote server allows for more efficient communication across the network.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aiken in view of Coutts as applied to claim 1 above, and further in view of U.S. Patent No. 3,872,282 (Long).

Aiken in combination with Coutts disclose all the claimed elements as set forth above but fail to explicitly disclose the use of the system in conjunction with a copy machine. However, Aiken notes that the machine used in the billing system can be various devices including a printer, fax or other device (see column 2, lines 64-65).

Long teaches the use of a copy machine that employs cost control.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aiken with an analogous device (copy device) as taught by Long, because it is advantageous for businesses to account for all expenses, including copy services.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aiken in view of Coutts as applied to claim 1 above, and further in view of Official Notice.

Aiken fails to explicitly disclose the use of communication over a wireless network.

The Examiner takes Official Notice that network communication over a wireless device was old and well known in the art at the time the invention was made.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aiken with network communication over a wireless device interface as was well known in the art, because using wireless devices allow the user greater mobility.

#### *Response to Arguments*

6. Applicant's arguments filed 3/21/05 have been fully considered but they are not fully persuasive.

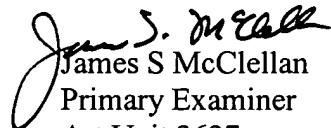
Based on Applicant's 1.131 Affidavit, the Examiner relies upon a new rejection that clearly discloses an embedded web server with a filing date before 8/22/00 (earliest date indicated in 1.131).

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S McClellan whose telephone number is (571) 272-6786. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olszewski Robert can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James S McClellan  
Primary Examiner  
Art Unit 3627

jsm  
5/31/05